IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 669 (S/S) of 2007

Constable 55107 Babu Ram S/o late Sri Angan Lal, presently posted at 31st Battalion P.A.C. Rudrapur
R/o Ward No. 7 Rudrapur
District- Udham Singh Nagar -------- Petitioner

Versus

1. State of Uttarakhand through Secretary Home, Dehradun
2. Director General of Police, Dehradun
3. Commandant 46 Battalion P.A.C. Rudrapur, Udham Singh Nagar
4. Union of India through Secretary, Ministry of Personnel, New Delhi
5. State of Uttar Pradesh through Secretary Home, Lucknow
6. Director General of Police, Lucknow
7. Constable 41044 Harikeshwar, S/o late Sri Dal Singar, presently posted at 31st Battalion P.A.C. Rudrapur, District – Udham Singh Nagar, Permanent R/o Rampur Sohadh, District – Mau (U.P.)

---- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri B.S. Khanka, learned counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel State of Uttarakhand, Smt. Beena Pandey, learned Standing Counsel State of U.P. and Smt. Anjali Bhargav, learned Standing Counsel Union of India for the respondents.

The petitioner, who is at present working as Constable in 31st Battalion, P.A.C. Rudrapur, is a permanent resident of State of Uttar Pradesh. He had opted for State of Uttar Pradesh and was finally allocated for State of Uttar Pradesh. Now by order dated 7th June, 2007 passed by the Commandant 46th Battalion, P.A.C. Rudrapur Udham Singh Nagar, the petitioner has been directed to

be relieved from Rudrapur on 07.06.2007 and is directed to join in 9th Battalion, P.A.C. Moradabad.

Learned counsel for the petitioner has submitted that some persons in the same cadre of petitioner, who are working in State of Uttar Pradesh and have been finally allocated for State of Uttarakhand, are now willing to continue in State of Uttar Pradesh. Learned counsel for the petitioner has further submitted that petitioner's case may be considered for mutual transfer in pursuance to the Circular issued by the Union of India for mutual transfer between the two States.

I decline to interfere with the impugned order in absence of any ground.

Since the petitioner has already been relieved from State of Uttarakhand, he may make application before the State of U.P. for mutual transfer under the Circular issued by the Union of India and if both the States consider it fit and proper, they may take action in accordance with law.

With these directions, the writ petition is finally disposed of. All the applications stand disposed of.

(M.M. Ghildiyal, J.)

14.06.2007
VKS